

Draft of 3/31/16

Chadds Ford Township
Delaware County, PA

Board of Supervisors' Regular Meeting
Wednesday, March 2, 2016
7:00 p.m.

Call to Order

The Regular Meeting was called to order at 7:05PM. Chairman Frank Murphy and Vice Chair Supervisor Reiner were present. Supervisor Noelle Barbone was absent. Ms. Amanda Serock, Manager, Mr. Mike Maddren, Esq., Solicitor, Mr. Mike Schneider, PE, Engineer and Mr. Matt DiFilippo, Assistant to the Manager/ Township Secretary were also present. Twenty (20) people from the public were present.

Announcements

Chairman Murphy announced the Citizens Emergency Response Team's (CERT) Active Shoot Demonstration event being held at the Township on March 23rd at 7:00PM with special guest Joe McGinn of Homeland Security. Tom Kerwin, Carnation Lane, CERT member, added that they're expecting it to be well attended.

Approval of Minutes

Vice Chair Reiner's motion to approve the Workshop Minutes of January 27, 2016, as amended, was seconded by Chairman Murphy and passed unanimously.

Vice Chair Reiner's motion to approve the Regular Meeting Minutes of February 3, 2016, as amended, was seconded by Chairman Murphy and passed unanimously.

Supervisors' Report

Chairman Murphy reported that all three (3) Supervisors met in executive session on Wednesday, February 24th concerning possible litigation and personnel issues. He also reported that he met with Vice Chair Reiner in executive session prior to tonight's regular meeting to discuss possible litigation and personnel issues.

Manager's Report

Manager Serock submitted a written report. She congratulated Secretary DiFilippo for passing his Building Code Official (BCO) examination. She also announced the following, upcoming meetings: a workshop between the Board of Supervisors and the Planning Commission on March 9th, preceding the regularly schedule Planning Commission meeting on March 9th, and Open Space on March 10th.

Public Comment

Chairman Murphy noted that six (6) letters of support for the completion of Hillman Drive had been received by the Township from David Carpenter a business owner on Christy Drive, Frances Galvin a resident at the Estates at Chadds Ford, Bruce Prabel a resident on Heyburn Road and Rob and Katharine King, residents on Ring Road.

Vicki Hoxter, Painters Crossing, inquired about the process of Henderson Group's Hillman Drive Extension application, specifically the extension of time until June 30th, to which Township Solicitor Maddren provided a response, emphasizing that an extension doesn't mean that the Township is endorsing the plan, and Mr. Ross Weiss, attorney for the applicant, concurred. Ms. Hoxter also expressed concern that the most recent sketch plan of Hillman Drive wasn't moved farther away from the Painter's Crossing Condominiums, adjacent to the proposed road.

Vice Chair Reiner asked for further clarification to which Mr. Weiss responded that their plan is to accept the offer of extension of time from the Board of Supervisors, revise the current plan and then go back in front of the Township's Planning Commission to seek a recommendation to the Township's Board of Supervisors.

Margaret Faia, Evergreen Place, expressed concern about the way the recent workshop meeting was conducted when the Henderson Group presented the sketch plan stating residents weren't allotted enough time to respond or comment on the sketch plan. She also expressed that the entire length of Hillman Drive needs to be expanded and that the planned office building at Hillman and Dickinson Drives needs to be built in the back of the lot where the YMCA was proposed.

Lisa Vonderstuck, Painters Crossing resident and Brandywine Valley Antiques shop owner, expressed support stating that she would like to see Henderson build the road rather than PennDot.

William Bunch, Bunch Antiques show owner, Hillman Drive, expressed support for the completion of Hillman Drive stating that it will relieve traffic and help decrease the number of accidents at Dickinson Drive and Baltimore Pike.

Clark Hoffman, Painters Crossing, expressed support for the completion of Hillman Drive stating that he would like to see the Henderson Group build the road rather than PennDot.

Mr. Weiss, attorney for the applicant, stated that the Henderson Group is offering the Township more time to consider its application and will stay transparent with the Township and the public throughout the process.

Eric Gartner, Harvey Lane, commented that development needs to be responsible and the public needs to stay involved throughout the process.

Treasurer's Report

Manager Serock submitted a written Treasurer's Report and hardcopies of the Township's financial status for the month of February 2016. Secretary DiFilippo presented the report.

Vice Chair Reiner's motion to approve General Fund expenditures to pay bills in the amount of \$49,721.04 was seconded by Chairman Murphy and passed unanimously.

Vice Chair Reiner's motion to release an SEO escrow in the amount of \$500.00 to the homeowners at 432 Webb Road was seconded by Chairman Murphy and passed unanimously.

Vice Chair Reiner's motion to release an SEO escrow in the amount of \$1,000.00 to Jeremiah Eldredge Septic Services for completed septic testing at 130 Rocky Hill Road, retaining \$255.00 for unpaid engineering bills and releasing \$745.00 to the contractor was seconded by Chairman Murphy and passed unanimously.

Vice Chair Reiner's motion to release a grading escrow in the amount of \$500.00 and a SALDO escrow in the amount of \$4,400.00 to Chadds Ford Investors/ Carlino Group pertaining to the Brandywine Mills development was seconded by Chairman Murphy and passed unanimously.

Vice Chair Reiner's motion to release a SALDO escrow in the amount of \$6,250.00, a Conditional Use escrow in the amount of \$1,000.00, a Grading escrow in the amount of \$500.00 and a SALDO escrow in the amount of \$5,893.78 to Romill Associates on behalf of the Audi West Chester development was seconded by Chairman Murphy and passed.

Vice Chair Reiner's motion to release a SEO escrow in the amount of \$1,000.00 to the builder pertaining to the house under construction at 401 Webb Road, retaining the entire amount of the escrow for unpaid engineering bills was seconded by Chairman Murphy and passed.

Vice Chair Reiner's motion to release a SEO escrow in amount of \$1,000.00 to the homeowner owner at 152 Harvey Road for completed septic work, retaining \$380.00 for unpaid engineering bills and returning \$620.00 was seconded by Chairman Murphy and passed unanimously.

Vice Chair Reiner's motion to release a SEO and grading escrow in the amount of \$170.00 held on behalf of the builder at 2 Camly Lane to pay unpaid engineering invoices. The SEO account will be closed upon release.

Engineer's Report

Engineer Schneider submitted a written report. He reported that he has updated the Township Road map, and he will circulate it, adding that around \$1,000.00 is still left in the budget related to the project of updating the road map. He also reported that Chadds Ford Investors/ Carlino Group has requested the release of escrow dating back to 2004 pertaining to the Applied Bank traffic signal that was posted by Applied Card Bank. He considered the request incomplete and requested more information from the requestor. He also updated progress pertaining to inlet repair, basin infiltration, stormwater pipes and final paving at the Estates at Chadds Ford

regarding Toll Brother's request for final release of escrow pertaining to the development. He announced two grading permits were under review and to be issued for 333 Ring Road and Nudy's Café at Painters Crossing Village Shops. Chairman Murphy asked Engineer Schneider about the schedule for the completion of the Veteran's Memorial at the Brandywine Mills development, which Engineer Schneider said he would investigate.

Old Business: Appointment to Sewer Authority Board

Chairman Murphy's motion to appoint Ted Mennicke to a five-year term to the Sewer Authority was seconded by Vice Chair Reiner and passed unanimously.

Old Business: SALDO Application, Hillman Drive Extension, Henderson Group

Vice Chair Reiner commented that any action she would take tonight wouldn't necessarily mean approving the Hillman Drive Extension application rather just continuing good planning and allowing for more public input.

Vice Chair Reiner's motion to accept the Henderson Group's extension of time until July 31, 2016 to allow the Township more time to consider a decision on the Hillman Drive Extension application was seconded by Chairman Murphy. Solicitor Maddren commented that the MPC requires action within a certain amount of time. Chairman Murphy commented that he has worked hard to accommodate public comment, improve communications between the Township and its residents and embark on a methodology of transparency. He continued that he is concerned about the project and balancing quality of life and property rights. He added that he is pleased that the applicant has improved the plans over recent months, and thinks it is a reasonable request to allot more time for decision-making on the Township's part. The motion passed.

New Business: Resolution 2016 – 14, Brandywine Creek Greenway Strategic Action Plan

Manager Serock explained that the Brandywine Creek Greenway Strategic Action Plan is a tool for conservation efforts in the region.

Vice Chair Reiner's motion to adopt 2016 – 14, Brandywine Creek Greenway Strategic Action Plan was seconded by Chairman Murphy and passed unanimously.

Debbie Reardon, Open Space, Talley Ho Drive, commented that twenty-five (25) municipalities in the area support the action plan.

Bruce Prabel, Heyburn Road, expressed concern about the resolution.

New Business: Noise Ordinance

Vice Chair Reiner's motion to adopt Ordinance 139, Noise, was seconded by Chairman Murphy and passed.

New Business: Authorization to Advertise Special Events Ordinance

Vice Chair Reiner's motion to authorize the advertisement of a Special Events ordinance was seconded by Chairman Murphy and passed.

New Business: Authorization to Advertise PRD Hearing for Harrier LLC Wonderland Farms Applications

Vice Chair Reiner's motion to authorize the advertisement of a PRD with a hearing at April's Board of Supervisors' meeting was seconded by Chairman Murphy and passed.

New Business: Bid Proposals for Harvey Run Trail Bridge Project

Manager Serock reported that bids received for the Harvey Run Trail Bridge project were much higher than expected and recommended the bids should be rejected.

Chairman Murphy's motion to reject the bid proposals for the Harvey Run Trail was seconded by Vice Chair Reiner and passed unanimously.

Committee Reports

Written committee reports were submitted.

Public Comment

Eric Gartner, Harvey Run, expressed concern over compliance with conditional use hearings and night and weekend enforcement by the Township of nuisances such as noise. Chairman Murphy responded that enforcement is complicated and that the Township doesn't have a police force. He continued that the Township is doing the best it can with the tools it has and that maybe the Township could deputize the U.S. Marshal Service on the weekends.

Bruce Prabel, inquired if Code Enforcement on the weekends is part of the duties of the Company, Keystone Municipal Services, that the Township uses. Chairman Murphy responded that weekend enforcement delegated to Keystone Municipal Services could trigger more fees for services. Vice Chair Reiner thought Bruce brought up a good point as to whether or not the Township could employ its code enforcement company to enforce over the weekend in the Township.

Rob King, Ring Road, inquired about providing recycle bins in the Township. Manager Serock and Chairman Murphy both responded that it was something the Township has looked into and will revisit the idea. Chairman Murphy continued, that an area for the igloos has not been determined, adding that Township property is in a flood plain so having them on the Township's property maybe wasn't a good idea. Mr. King also expressed concern over the rails to trails project which Chairman Murphy responded there were no plans for. Debbie Reardon, Open Space, Tally Ho Drive, expressed concern over residents' assuming the rails to trails was coming to town.

Supervisors' Final Comments

Vice Chair Reiner's motion to authorize an advertisement to hold a conditional use hearing for Concordville Subaru was seconded by Chairman Murphy and passed unanimously.

Chairman Murphy asked Solicitor Maddren to look into the Township having an ethics committee to uphold ethical responsibilities among the Township's Board and Committees. Vice Chair Reiner added that a thorough ethics policy that applies to the Township's professionals, too, should be considered.

Adjournment

Vice Chair Reiner's motion to adjourn the meeting at 8:44PM was seconded by Chairman Murphy.

Respectfully submitted,

Matt DiFilippo

Township Secretary/ Assistant to the Manager